

**DECISION**

THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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**FILE:** B-208963**DATE:** October 13, 1982**MATTER OF:** Allen B. Haddon**DIGEST:**

A protest filed with GAO more than 10 working days after the protester received formal notification from the contracting agency of its denial of his protest is untimely under GAO's Bid Protest Procedures.

Allen B. Haddon protests the rejection of his bids under solicitation Nos. B.I.A. 2B00-0009 through -0015, issued by the Department of the Interior, Bureau of Indian Affairs (BIA), for construction related to erosion control. Mr. Haddon complains that the BIA improperly rejected his bids as late.

We dismiss the protest as untimely.

Our Bid Protest Procedures require that, where a protest has been filed initially with the contracting agency, a subsequent protest to this Office be filed, that is, received, within 10 working days of formal notification of initial adverse agency action. 4 C.F.R. § 21.2(a) (1982). Mr. Haddon filed a protest with the BIA on August 4, 1982, challenging the rejection of his bids. The BIA informally advises this Office that it thereafter denied Mr. Haddon's protest in a letter dated August 13, which Mr. Haddon acknowledges receiving. Mr. Haddon did not file his protest here until September 8, or 17 working days after the date of the BIA's denial of his protest. Since the BIA's denial constituted adverse action, Mr. Haddon did not file his protest within the 10-day period, even allowing several days for delivery of the August 13 letter to Mr. Haddon. Thus, we will not consider the protest because it is untimely. Edron, Inc., B-207353, June 9, 1982, 82-1 CPD 557.

In addition, Mr. Haddon implies that he filed an earlier protest here by letter dated August 13, 1982. This Office has no record of receiving that letter. Absent any

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affirmative evidence to the contrary, then, Mr. Haddon's protest must be considered to have been filed in our Office on September 8. Bill Hickman, General Contractor, Inc., B-203195, May 26, 1981, 81-1 CPD 412.

The protest is dismissed.

*F. H. Barclay, Jr.*  
*for* Harry R. Van Cleve  
Acting General Counsel